

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>PEREZ FUNCHES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 08-cv-780-GPM</b>
	)	
<b>TIMOTHY LOVE,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

Pursuant to *George v. Smith*, 507 F.3d 605, 607 (7<sup>th</sup> Cir. 2007), the Honorable J. Phil Gilbert, United States District Judge, issued an order (1) severing Counts 6 and 7 of Plaintiff's complaint from *Funches v. Ebbert*, No. 07-cv-226-JPG (S.D. Ill.), and (2) directing the Clerk to open a separate case for those claims. The result is the instant civil action. Judge Gilbert determined that the claims in this action survived review under 28 U.S.C. § 1915A, and he is right. This Court notes that service on the Defendants Love, Walker, and Ryker was made in the earlier action. The Court also notes that Defendants were ordered by Judge Gilbert to timely file an appropriate responsive pleading to the complaint, and to not waive filing a reply pursuant to 42 U.S.C. § 1997e(g). Defendants' pending motion for summary judgment (Doc. 4) has been moved to this case.

Pursuant to Local Rule 72.1(a)(2), this cause is **REFERRED** to a United States Magistrate Judge for further pre-trial proceedings.

Further, this entire matter is hereby **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties*

*consent to such a referral.*

Plaintiff is under a continuing obligation to keep the Clerk and each opposing party informed of any change in his whereabouts. This shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs.

Plaintiff is **ORDERED** to serve upon defendant or, if appearance has been entered by counsel, upon that attorney, a copy of every further pleading or other document submitted for consideration by this Court. He shall include with the original paper to be filed with the Clerk of the Court a certificate stating the date that a true and correct copy of any document was mailed to defendant or his counsel. Any paper received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service will be disregarded by the Court.

**IT IS SO ORDERED.**

DATED: 11/14/08

*s/ G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge